

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51319 of 2019

Arising Out of PS. Case No.-9 Year-2019 Thana- BHELDI District- Saran

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1. Akhilesh Singh @ Akhilesh Kumar Singh, aged about 55 years, Gender: Male, Son of Late Raj Narayan Singh.
 2. Ashi Kumar @ Amarjeet Kumar @ Amarjeet Singh, aged about 32 years, Gender: Male, Son of Akhilesh Singh
Both residents of village: Danapur Jhakhari Mahadeo, Gola Road Police Colony, P.S. Danapur, Road No. 1, District: Patna
 3. Veer Kunwar Singh, son of Late Dharamnath Singh aged about 25 years, Gender: Male, Resident of Village: Jogini Parsa, P.S. Bheldi, District- Saran at Chapra.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Ram Lakhan Singh, aged about 68 years, Gender: Male, Resident of Village: Jogini Parsa, P.S. Bheldi, District: Saran at Chapra.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Akhileshwar Pandey, Advocate
For the Opposite Party/s : Mr.Kalyan Shankar, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 16-11-2019 Heard learned counsel for the petitioners and learned
counsel appearing on behalf of the State.

Petitioners apprehend their arrest in connection with
Bheldi P.S. Case No. 09 of 2019 registered for the offence
punishable under Section 420, 406, 467, 468, 471, 302, 201,
120(B) of the Indian Penal Code.

The prosecution story as per complaint is that wife of
younger brother of the petitioners had gone along with Akhilesh
Singh to her *Maika* with the permission of the complainant on



the ground that that wife of Akhilesh Singh had fallen ill on 06.06.2018 and after a week she died on 13.06.2018. It has further been alleged that petitioner no. 1 with the help of other persons got the landed property of the deceased registered by way of a Will dated 09.06.2019 from the deceased namely, Parwati Kunwar, wife of Late Raj Narayan Singh.

Learned counsel for the petitioners submits that petitioner no. 1 is the brother of deceased- Parwati Kunwar, petitioner no. 2 is nephew of the deceased and petitioner no. 3 is the co-villager. Learned counsel for the petitioners submits that fact of the matter is that the deceased was ailing and was suffering from various diseases and she had no issue out of the wed lock with her husband namely Late Raj Narayan Singh. Learned counsel further submits that the deceased had willingly got a Will registered in the name of her brother i.e. petitioner no. 1, which was not to the liking of the complainant, who is the elder brother of the husband of the deceased Late Raj Narayan Singh. Learned counsel further submits that death of the deceased had taken place on 13.06.2018 and when the complainant got information about the Will in question dated 09.06.2019 the present complaint has been filed after a lapse of 2½ months from the date of death of Parwati Kunwar i.e.



deceased. Learned counsel further submits that concocted complaint has been filed against the petitioners with oblique motive. Learned counsel referring to Annexure -2 to the petition submits that Ward Councillor of Nagar Parishad, Danapur has issued certificate that the deceased had died at the residence of petitioner no. 1.

Having regard to the submissions made by learned counsel for the parties and taking into consideration the fact that petitioner no. 1 is the brother of deceased and F.I.R. has been lodged after lapse of 2½ months from the date of death, I am inclined to grant privilege of anticipatory bail to the petitioners.

Accordingly, the order dated 20.08.2019 whereby provisional bail was granted to the above named petitioners is hereby confirmed.

(Anil Kumar Sinha, J)

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